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CITY ATTORNEY

2012 FEB 10 AM 9:05

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Attorneys for Plaintiff, Steve Karagiosian

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY GUILLEN-  
GOMEZ; STEVE KARAGIOSIAN;  
ELFEGO RODRIGUEZ; AND JAMAL  
CHILDS,

Plaintiffs,

-vs-

BURBANK POLICE DEPARTMENT; CITY  
OF BURBANK; AND DOES 1 THROUGH  
100, INCLUSIVE.

Defendants.

BURBANK POLICE DEPARTMENT; CITY  
OF BURBANK,

Cross-Complainants,

-vs-

OMAR RODRIGUEZ, and Individual,

Cross- Defendant.

CASE NO.: BC 414 602

Assigned to: Hon. Joanne B. O'Donnell, Judge  
Dept. 37

Complaint Filed: May 28, 2009

PLAINTIFF'S SUPPLEMENTAL REPLY TO  
DEFENDANT'S OPPOSITION TO PLAINTIFF'S  
MOTION *IN LIMINE* NO. 5 TO EXCLUDE  
DOCUMENTS, TESTIMONY AND OTHER  
EVIDENCE REQUESTED BUT NOT  
DISCLOSED DURING DISCOVERY

Trial:

DATE: February 15, 2011

TIME: 9:00 a.m.

DEPT: 37

1                                   **I. DEFENDANT HAS NOT PRODUCED SERGIO BENT**  
2                                   **RECORDINGS INCLUDED IN ITS EXHIBIT LIST**

3           In its Motion *in Limine* No. 5, Plaintiff seeks to prevent Defendant from introducing any  
4 documents or other demonstrative evidence that was requested by Plaintiff but not produced by  
5 Defendant during discovery, including but not limited to the Irma Moisa investigation, the Sergio Bent  
6 investigation, and any other investigation, on the settled principle that a party may not withhold evidence  
7 during discovery, for whatever reason, and then spring the evidence on the other party at trial. (Deeter  
8 v. Angus (1986) 179 Cal.App.3d 251, 254-255; A&M Records v. Heilman (1977) 75 Cal.App.3d 554,  
9 566.)

10           Defendant Burbank's Amended Exhibit List re Plaintiff Steve Karagiosian's Trial, served on  
11 January 27, 2012, lists three audio recordings of Sergio Bent's interviews with Karagiosian (Exhibit Nos.  
12 509-511). Defendant has never provided copies of such recordings, or transcripts thereof, to Plaintiff.  
13 Therefore, for the reasons set forth in Plaintiff's Motion *in Limine* No. 5 and his previously-filed Reply  
14 to Defendant's Opposition, Plaintiff requests that an order issue preventing Defendant, its counsel, and  
15 all witnesses, from introducing any such recordings, and from asking any question or making any  
16 statement, reference, innuendo, suggestion or implication regarding them.

17  
18 DATED: February 9, 2012

LAW OFFICES OF RHEUBAN & GRESEN

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20 By: Steven M. Cischke  
21       Steven M. Cischke  
22       Attorneys for Plaintiff, Steve Karagiosian  
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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles. I am over the age of eighteen and am not a party to the within action. My business address is 15910 Ventura Boulevard, Suite 1610, Encino, California 91436.

On February 9, 2012, I served a copy of the following documents described as: **PLAINTIFF'S SUPPLEMENTAL REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE NO. 5 TO EXCLUDE DOCUMENTS, TESTIMONY AND OTHER EVIDENCE REQUESTED BUT NOT DISCLOSED DURING DISCOVERY** on the interested parties, through their respective attorneys of record in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

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**XX BY OVERNIGHT DELIVERY:** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed as above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

**XX BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the person(s) at the e-mail address listed above. My electronic notification address is [ag@rglawyers.com](mailto:ag@rglawyers.com). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

**XX STATE:** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 9, 2012, at Encino, California.

\_\_\_\_\_  
Annette Goldstein